

**PHYSICAL THERAPISTS AFFILIATED CREDENTIALING BOARD
MADISON, WI
MINUTES
NOVEMBER 4, 2003**

PRESENT: Otto Cordero, Barbara Flaherty, Laurie Kontney

STAFF PRESENT: Tom Ryan, Bureau Director; Wayne Austin, Legal Counsel;
Pamela Meicher, Program Assistant; DOE Staff

GUEST: Ron Hermes, WPTA; Michelle Mettner, Aurora Health; Susan
Griffin, WPTA

CALL TO ORDER

Barbara Flaherty, Chair, called the meeting to order at 8:30 a.m. A quorum of 3 members was present.

AGENDA

Amendments:

Request to travel to the WPTA Spring 2004 meeting
Suggested edits of PTACB Clearinghouse Rule 03-020
Three Time Examination Failures
December Examination Workshop
Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Legislation
Presentation of Proposed Stipulation – 02 PHT 006/Paul Z. Abler, PT
Scope Statement re: Uniform reexamination restrictions and other penalties for applicants who cheat on examinations

MOTION: Laurie Kontney moved, seconded by Otto Cordero, to approve the agenda with amendments. Motion carried unanimously.

APPROVAL OF MINUTES OF JULY 15, 2003

MOTION: Laurie Kontney moved, seconded by Otto Cordero, to approve the minutes of July 15, 2003 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

2004 Board meeting dates:

Tom Ryan reported that there will be a decrease of meetings to three in 2004 due to budget constraints. The Board's concerns for decreasing the number of meetings include: not meeting enough times when the PT temporary license is good for 90 days only; the need for promulgation of new rules; and the possibility of a reduced level of service. The Board stated that it would like to retain at least the level of service it currently receives from the department and would not oppose a reasonable increase in fees to sustain service at the current level. The Board does not believe in reducing fees and services if it is not consistent with the Board's public protection mission. The Board would also like to see a fee methodology that appropriates fees in a manner that is adequate to regulate the profession.

Mr. Ryan advised the Board that the Department could coordinate teleconference calls if there is a compelling reason to do so. Mr. Ryan suggested that the Board send a letter to the Legislative Audit Bureau requesting an acceleration of the fee study audit.

MOTION: Otto Cordero moved, seconded by Laurie Kontney, in favor of the Board sending a letter to the Legislative Audit Bureau requesting that the DRL fee study audit be completed by February 1, 2004 and advising the legislature on the Board's concerns regarding the current fee structure. Motion carried unanimously.

DEPARTMENT AUDIT BY LEGISLATIVE AUDIT BUREAU

Testimony of Deputy Secretary Mary Schlaefter before the Joint Legislative Audit Committee:

Tom Ryan gave a brief overview of the testimony given by Deputy Secretary Mary Schlaefter to the Joint Legislative Audit Committee.

Department Fee Study, May 13, 2003:

Noted.

BOARD TRAVEL SPEAKING INVITATION

Vice Chair Otto Codero and Secretary Laurie Kontney have been invited to give a presentation at the WPTA Spring meeting in Green Bay, WI, April 23-25, 2004. More detail will be provided by Mr. Cordero at the January meeting of the Board.

MOTION: Otto Codero moved, seconded by Laurie Kontney, in favor of Otto Cordero and Laurie Kontney giving a presentation at the WPTA

Spring 2004 meeting in Green Bay, WI, April 23-25, 2004, and will only accept those expenses consistent with Department of Regulation and Licensing policy. Motion carried unanimously

CLEARINGHOUSE RULE 03-020 – UPDATE

The Board reviewed Clearinghouse Rule 03-020 and heard comment from guests in attendance. Michelle Mettner, a representative from Aurora Health Care, stated that Aurora Health Care would like physical therapy aides and athletic trainers to perform some patient care services such as therapeutic intervention under direct supervision. One of the Board's responses was that physical therapists delegate to physical therapist assistants, and not to athletic trainers since they are governed by DRL and have their own scope of practice.

After further discussion it was decided that Tom Ryan will work with a member of the Board to communicate the Board's position to the legislature. The Board will also write a letter to Senator Roessler informing her of the Board's action. A legislative hearing will be scheduled in the future.

MOTION: Otto Cordero moved, seconded by Laurie Kontney, in favor of the current draft of the rule, and to revise PT 5.02, inserting "only" before "the physical therapist shall do all of the following"; and removing "initial" from PT 5.02 (6). Motion carried unanimously.

PT EXAM CHEATING – DISCUSSION

Barbara Showers joined the Board to discuss recent revelations of cheating on the national examination. Dr. Showers said that the use of technology has enabled cheating, and as a result costs for new examinations will increase to police it. She advised the Board that a Department rule is being written to address the higher technology, modernized efforts to cheat on examinations.

COMPLIANCE QUESTION LETTERS FROM WAYNE AUSTIN – DISCUSSION

Noted.

WIS. ADMIN. CODE § PT 2.03 - DISCUSSION OF 3 TIME FAILURE

The Board discussed their concerns with the increasing number of applicants who fail the PT national examination three times. The Board would like to write a letter to the American Physical Therapy Association (APTA) requesting that the APTA take some action to improve test results. They would also like additional data regarding applicants failing the examination three or four times.

INFORMATIONAL ITEMS

Noted.

CLOSED SESSION

MOTION: Otto Cordero moved, seconded by Laurie Kontney, to convene into closed session to deliberate on cases following hearing (Wis. Stat. § 19.85(1)(a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § (1) (f); and confer with legal counsel Wis. Stat. § 19.85 (1) (g)). Motion carried by roll call vote: Otto Cordero-yes, Barbara Flaherty-yes, Laurie Kontney-yes

Open Session recessed at 10:52 a.m.

RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

MOTION: Otto Cordero moved, seconded by Laurie Kontney, to reconvene into Open Session at 1:12 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

PROPOSED STIPULATION FOR ADMINISTRATIVE WARNING IN CASE NUMBER 01 PHT 007

MOTION: Laurie Kontney moved, seconded by Barbara Flaherty, to adopt the Stipulation for the Administrative Warning in case number 01 PHT 007. Motion carried unanimously.

PROPOSED STIPULATION – 02 PHT 006

MOTION: Laurie Kontney moved, seconded by Otto Cordero, adopt the Final Decision, Order and Stipulation in the matter concerning Paul Z. Abler, PT (02 PHT 006). Motion carried unanimously.

ADMINISTRATION WARNING IN THE MATTER OF 01 PHT 001

MOTION: Laurie Kontney moved, seconded by Barbara Flaherty, to adopt the Administrative Warning in case number 01 PHT 001. Motion carried unanimously.

APPLICATION FOR PTA EQUIVALENCY – EVA TSONIS

MOTION: Otto Cordero moved, seconded by Laurie Kontney, in favor of granting a license to Eva Tsonis on the basis of equivalency. Motion carried unanimously.

APPLICATION FOR PTA EQUIVALENCY – HANNA WOMACK

MOTION: Otto Cordero moved, seconded by Laurie Kontney, in favor of granting a license to Hanna Womack on the basis of equivalency. Motion carried unanimously.

CONDUCTING ORAL EXAMINATION OF 2 CANDIDATES FOR LICENSURE

MOTION: Laurie Kontney moved, seconded by Otto Cordero, to grant Ronald Samaniego a license based on his passing the oral exam, and to deny a license to Oluwakemi Bond based on her failing the oral examination. Motion carried unanimously.

EXAMINATION ISSUES

Gail Pizarro will schedule an examination workshop with the Board in January to write an oral examination for physical therapists in addition to oral and open book examinations for physical therapist assistants. Laurie Kontney will provide Dr. Pizarro with the names of potential participants to assist in creating the examinations.

MOTION: Laurie Kontney moved, seconded by Otto Cordero, in favor of convening a workshop to collect content and test specifications for the examinations. Motion carried unanimously.

ADJOURNMENT

MOTION: Laurie Kontney moved, seconded by Otto Cordero, to adjourn the meeting at 2:15 p.m. Motion carried unanimously.

Next Meeting: Tuesday, January 27, 2004